

The Do's and Don'ts of social media for lawyers

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Where are your potential clients? They're probably on social media. With Facebook alone having over 1.86bn monthly active users, businesses need to be on social media to connect with potential clients. When it comes to social media for lawyers, however, they must follow advertising and ethics rules within their jurisdictions. They also need to be careful about interacting with specific clients – or potential clients– over social media. Here's a few tips to help keep your law firm compliant when using social media – and some tips on what you can do to market your law firm using these networks.

Whether you're posting something false, or something that's mostly true, but omits a key detail, you'll be breaking the rules. Outcome 8.1 of the Solicitors Regulation Authority's (SRA) Code of Conduct requires you to ensure that: "Your publicity in relation to your firm or in-house practice or for any other business is accurate and not misleading, and is not likely to diminish the trust the public places in you and in the provision of legal services."

In most jurisdictions, you can't post anything that amounts to a direct solicitation of a client. For example, if someone tweets that they've fallen and hurt themselves on an icy path, tweeting back "Let's sue the council!" is not a good move. However, you can post something more general on your own (not as a direct response to someone) such as, "Have you slipped and fallen due to the crazy Scottish weather? Call us!" This isn't a direct solicitation.

Legal advertising on social media is one thing, but there are also rules to follow if you're using social media for case research. For example, if you happen to notice the profile of a witness or juror for your case on Facebook, don't send them a message about how you went to university together. If their profile is set to private, you'll likely be violating ethical rules.

You're not required to have separate personal and professional social media accounts as a lawyer, but having separate accounts will make it much easier to stay compliant. For example, if you integrate your Twitter, Facebook, or LinkedIn accounts with other apps, doing so sometimes allows those other apps to see your connections. If you're connected to a client on social media, you've told a third party about that connection without your client's permission. Using separate, personal social media accounts, free from any client connections, allows you to integrate with apps without facing this problem. For your professional accounts, you can carefully choose which apps and services to connect with.

The SRA requires lawyers to maintain the trust that the public places in them. Part of that means staying out of scuffles online. In its guidance on ethical issues around social media, the SRA says: "You should carefully consider the tone and not just the content of any social media communication. Even comments that you reasonably consider to be in good taste may be considered distasteful or offensive by others. It is advisable to avoid getting drawn into heated debates or arguments; comments designed to demean or insult are likely to diminish public confidence in the profession."

If you respond to a specific question from a potential client on Twitter, you could be inadvertently creating a lawyer-client relationship – triggering the ethical obligations that go with it. Be very careful when interacting with potential clients over social media. It may even be a good idea to save the details for a formal meeting.

To preserve client confidentiality, it's important to always communicate via secure channels, and social media isn't exactly secure. Social media may be good for law firm marketing, but for client communications, there are other mediums.

All of those rules might make it seem tough for lawyers to advertise on social media. However, there's plenty you can do to get your firm's name out there without exposing yourself to potential ethics violations. You can:

- Provide information about yourself as a lawyer. In the bios of your social media profiles, for example, it's perfectly acceptable to include the university you went to, conferences you've attended, and/or articles you've written. This can help you build credibility with potential clients.
- Share "general" legal information. Posting about specific cases on social media is a definite no-no, but you can write a post about more general legal information. For example, if you're a family lawyer, you might post about dissolution of marriage, child custody, or an interesting celebrity break-up (provided you're not representing them), to help position yourself as an authority in this area to potential clients.
- Share information about yourself as a person. Depending on your practice area, potential clients may want to see your human side as well as your professional one. As long as you're using good judgement, it's okay to post a selfie or a photo with your food.

There's a lot for legal professionals to consider when using social media, but that doesn't mean it should be scary. By carefully considering which sites are right for you, and by adhering to these rules, you'll be well on your way to getting the most out of social media – without putting your firm at risk.